

Hearing Date: October 28, 2015, 10:00 a.m.

Response Deadline: August 27, 2015

STEVENS & LEE, P.C.

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor,

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEGACY CAPITAL LTD. and KHRONOS LLC,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 10-05286 (SMB)

**LEGACY CAPITAL LTD.'S NOTICE OF MOTION TO DISMISS
THE AMENDED COMPLAINT UNDER FEDERAL RULE OF BANKRUPTCY
PROCEDURE 7012(b) AND FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

TO: THE HONORABLE STUART M. BERNSTEIN,
UNITED STATES BANKRUPTCY JUDGE:

PLEASE TAKE NOTICE that upon the accompanying (i) Declaration Of Nicholas F. Kajon In Support Of Defendant Legacy Capital Ltd.'s Motion To Dismiss The Amended Complaint Under Federal Rule Of Bankruptcy Procedure 7012(b) And Federal Rule Of Civil Procedure 12(b)(6), dated July 30, 2015, and the exhibits annexed thereto, and (ii) Legacy Capital Ltd.'s Memorandum Of Law In Support Of Its Motion To Dismiss The Amended Complaint Under Federal Rule Of Bankruptcy Procedure 7012(b) And Federal Rule Of Civil Procedure 12(b)(6), and upon all prior proceedings had herein and in the SIPA Liquidation No. 08-01789 (SMB) (Substantively Consolidated), Defendant Legacy Capital Ltd., by and through its undersigned counsel, moves this Court for an order pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice the Amended Complaint filed by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC on July 2, 2015, ECF No. 112, and for such other and further relief as the Court deems just and proper (the "**Motion**").

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held on **October 28, 2015 at 10:00 a.m.** before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, Courtroom 723, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be made in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at

www.nysb.uscourts.gov) by registered users of the Bankruptcy Court's filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF), with a hard copy delivered directly to Chambers, in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on Stevens & Lee, P.C., attorneys for Legacy Capital Ltd., 485 Madison Avenue, New York, New York, 10022 (Attn: Nicholas F. Kajon), so as to be received no later than **August 27, 2015** (the "**Response Deadline**").

PLEASE TAKE FURTHER NOTICE that if no objections are timely filed and served with respect to the Motion, Legacy Capital Ltd. may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed hereto as Exhibit A, which order may be signed and entered with no further notice or opportunity to be heard.

Dated: New York, New York
July 30, 2015

STEVENS & LEE, P.C.

By: /s/ Nicholas F. Kajon
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Exhibit A

Proposed Order